

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 00-877
ACTION AGAINST)	
)	
Kent School District)	Notice of Administrative
)	Charges
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's

request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On January 27, 2000, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Kent School District was in violation of RCW 42.17.680 for failing to maintain for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response from the Kent School District.

IV. **FACTS**

These charges incorporate the Report of Investigation and all exhibits by reference.

Failure to Maintain Open for Public Inspection Employees' Payroll Deduction Authorization Forms For Contributions to a Political Committee (RCW 42.17.680(4))

Jami Lund of the Evergreen Freedom Foundation visited the Kent School District on January 25, 2000 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. Prior to Mr. Lund's arrival, he sent an e-mail to the Kent School District requesting to see the records in question. The e-mail was routed to Michael Harrington, General Counsel and Director of Labor Relations and Legal Services for the District, approximately one hour before Mr. Lund's arrival. When Mr. Lund arrived at the Kent School District, Mr. Harrington was in a meeting and Mr. Lund met with Lynn Stellick. Ms. Stellick told Mr. Lund that the payroll deduction authorization forms for contributions to WEA-PAC

were not in the possession of the District, but rather, in the possession of the Kent Education Association.

Mr. Harrington confirmed that when Mr. Lund arrived at the Kent School District, copies of the enrollment forms were not available for review. When Mr. Lund arrived, the District was in the process of obtaining the authorization forms from the Kent Education Association. Mr. Harrington stated that the payroll deduction authorization forms contain confidential information, such as the employee's name, social security number, and signature. He said the District believes that these elements constitute private information that must be redacted prior to public inspection. Mr. Harrington said the authorization forms are now in the possession of the District, available for inspection.

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Kent School District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee.

RESPECTFULLY SUBMITTED this _____ day of _____, 2000.

Philip E. Stutzman
Director of Compliance